

**17090. Misbranding of aspirin tablets. U. S. v. 54 Dozen Tins and 41 Bottles of Aspirin Tablets. Default decree of condemnation and forfeiture. Product delivered to public institution. (F. & D. No. 24329. I. S. Nos. 017111, 017112. S. No. 2590.)**

On December 13, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 54 dozen tins and 41 bottles of aspirin tablets, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by Blackman & Blackman (Inc.), from New York, N. Y., in part on or about April 27, 1929, and in part on or about October 15, 1929, and transported from the State of New York into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that the tablets contained approximately 5 grains of acetylsalicylic acid each.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tins) "Used for: \* \* \* Grippe, Lumbago and Rheumatism;" (circular accompanying tins) "A few of the many conditions in which it is useful are: \* \* \* Lumbago, Rheumatism, Sciatica, \* \* \* Periodic Pains and Sore Throat;" (bottle label) "Used for \* \* \* Grippe \* \* \* Lumbago, Toothache & Rheumatism;" and (carton inclosing bottles) "For \* \* \* Grippe, \* \* \* Lumbago, Toothache."

On February 25, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a public institution to be used in such manner as would not violate the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17091. Misbranding of Walker's Old Indian fever tonic, Walker's Dead Shot colic remedy, Walker's Indian liver and kidney tonic, and Walker's Pain-I-Cure. U. S. v. 9 Bottles of Walker's Old Indian Fever Tonic, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24284, 24285, 24286, 24287. I. S. Nos. 016815, 016816, 016817, 016818. S. No. 2526.)**

Examination of a sample of a drug product known as "Walker's Old Indian Fever Tonic" by this department showed that the labels bore claims of its curative properties in certain ailments for which cinchona alkaloids are customarily prescribed, and that the products contained insufficient cinchona alkaloids to cure such ailments when taken in the doses and for the period of time indicated in the directions on the bottle. The labels also bore further curative and therapeutic claims for their effectiveness that were not justified by the composition of the articles.

On or about December 4, 1929, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 9 bottles of Walker's Old Indian fever tonic, 36 bottles of Walker's Dead Shot colic remedy, 4 bottles of Walker's Indian liver and kidney tonic, and 42 bottles of Walker's Pain-I-Cure, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the articles had been shipped by Cox & Simpkins, from Atlanta, Ga., on or about September 20, 1929, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Walker's Old Indian fever tonic consisted essentially of magnesium sulphate, quinine sulphate (3.28 grains per fluid ounce), ferric chloride, alcohol, and water; that Walker's Dead Shot colic remedy consisted essentially of ethyl alcohol, methyl alcohol (7.4 per cent by volume), chloroform, and volatile oils including sassafras oil; that Walker's Indian liver and kidney tonic consisted essentially of magnesium sulphate, quinine sulphate, and ferric chloride; and that Walker's Pain-I-Cure consisted essentially of camphor, chloroform, alcohol, and volatile oils including oil of sassafras.

Misbranding of Walker's Old Indian fever tonic was alleged in the libel for the reason that the package failed to bear a statement of the quantity or

proportion of alcohol contained therein. Misbranding of the Walker's Dead Shot colic remedy was alleged for the reason that the package failed to bear a statement of the quantity or proportion of methyl alcohol contained therein. Misbranding was alleged in the libels with respect to all the said products for the reason that the following statements regarding the curative or therapeutic effects of the articles, borne on the respective labels, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Walker's Old Indian fever tonic, carton) "For La Grippe, Influenza, \* \* \* Fever Tonic for Malarial Fevers, LaGrippe, Chills \* \* \* Measles, Jaundice, Neuralgia;" (label) "Fever Tonic for Fevers of various kinds, such as Malarial Fever, Chills and Fever, Intermittent Fever, Typhoid Fever. \* \* \* For Influenza, \* \* \* La Grippe, Measles, Jaundice, Neuralgia \* \* \* Acts Freely on the Liver;" (Walker's Dead Shot colic remedy, carton) "Colic Remedy for Mules and Horses, \* \* \* Relieves in Ten to Twenty Minutes \* \* \* Equally Good for Man in Similar Ailments, \* \* \* remedy \* \* \* in cases of Colic, \* \* \* Old sores, Swinney, Spavins \* \* \* Stiff Joints;" (label) "Colic Remedy for Mules and Horses \* \* \* If not relieved \* \* \* acts like magic, giving relief almost instantly. \* \* \* for all kinds of pains, \* \* \* old sores, spavin, sweeney \* \* \* stiff joints, scratches;" (Walker's Indian liver and kidney tonic, label) "Liver and Kidney Tonic \* \* \* Unfailing Remedy for Laziness and a Drowsy, Tired, Sleepy Feeling. Relieves Indigestion, Sour Stomach, Belching, Gas on the Stomach, Heartburn, Foul Breath, Bad Taste in the Mouth, furried tongue, \* \* \* Dizziness, Sick Headache, Numbness or Chills, Kidney or Bladder Troubles \* \* \* Piles, Jaundice, Dropsy \* \* \* Weakness, Tired Feeling, Stimulates and Purifies the Blood;" (Walker's Pain-I-Cure, carton) "Pain-I-Cure The Pain Remedy \* \* \* Relieves Neuralgic, Rheumatic, Nervous or Spasmodic Pains \* \* \* Backache \* \* \* Diarrhoea, Dysentery, \* \* \* Swellings of all kinds, Stiff Neck, \* \* \* sore throat, sick stomach or sea sickness. In cases of Bad Coughs \* \* \* Pneumonia it affords quick relief;" and (label) "Pain-I-Cure For All Kinds of Pains, Neuralgic, Rheumatic, Nervous, or Spasmodic, Relieves \* \* \* Headache, Backache, Coughs \* \* \* Lameness, Cramp Colic, Diarrhoea, Dysentery \* \* \* all kinds of Swellings."

On January 28, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17092. Misbranding of Fulton's Compound. U. S. v. 3 Cases of Fulton's Compound Rx 1, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 22918, 22919, 22920, 22921. I. S. Nos. 0409, 0411, 0503, 0504, 17044-x, 17045-x. S. Nos. 946, 978, 990, 991.)

On July 30, August 2, and August 6, 1928, respectively, the United States attorneys for the Districts of Maryland, Utah, and Colorado, filed in the District Courts of the United States aforesaid libels praying seizure and condemnation of 7 cases and 125 bottles of Fulton's Compound Rx 1, and 5 cases of Fulton's Compound Rx 2, remaining in the original unbroken packages in various lots at Baltimore, Md., Salt Lake City, Utah, and Denver, Colo., respectively, consigned by the John J. Fulton Co., San Francisco, Calif., alleging that the articles had been shipped from San Francisco, Calif., between the dates of May 1, 1927, and July 19, 1928, and transported from the State of California into the States of Maryland, Utah, and Colorado, respectively, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that they consisted essentially of sodium and calcium compounds, nitrates, sulphates, borates, extracts of plant drugs including uva ursi, a laxative drug, and glycyrrhiza, salicylic acid, a trace of alkaloid, alcohol, and water.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative and therapeutic effects of the said articles, borne on the labels, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Fulton's Compound Rx 2, bottle) "We have received many letters from Physicians reporting in cases designated therein as Diabetes that the use of this Compound was attended with decrease in the sugar in the urine, or im-